

**IN THE UNITED STATE DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

In re:)	
)	Chapter 11
INACOM CORP., <u>et al.</u> ,)	
)	Case No. 00-2426 (PJW)
Debtors.)	
)	
INACOM CORP., on behalf of affiliated)	
Debtors,)	Civil Action no. 04-582-GMS
Plaintiff,)	Adv. No. 02-3499
)	
v.)	
DELL COMPUTER CORPORATION, <u>et al.</u> ,)	
Defendants.)	
)	

**MOTION FOR LEAVE TO FILE DELL, INC.'S ANSWERING
BRIEFS TO PLAINTIFF'S MOTIONS IN LIMINE**

Defendant, Dell, Inc. (“Dell”) files this Motion for Leave to File its Answering Briefs to Plaintiff’s Motions in Limine. In support hereof, Dell respectfully shows the Court the following:

1. On August 15, 2005, Plaintiff, Inacom Corp. (“Inacom”) filed two Motions in Limine in the Dell Adversary Proceeding. In this regard, Inacom filed Plaintiff’s Motion in Limine to Exclude Expert Testimony of John LaRocca (“LaRocca Motion in Limine”) and Motion in Limine of Plaintiff to Exclude Expert Testimony of Stephen H. Thomas (“Thomas Motion in Limine”).

2. Thereafter, on August 19, 2005, Inacom filed its Notice of Plaintiff’s Joinder in Motion to Exclude Cumulative Expert Testimony Regarding Insolvency filed against Lexmark International, Inc. (“Lexmark”). Accordingly, it was not until August 19, 2005 that Inacom

joined in Plaintiff's Motion in Limine to Exclude Cumulative Expert Testimony Regarding Insolvency ("Solvency Expert Motion in Limine").

3. Under the Court's Scheduling Order in this matter and the Court's Form "Final Pre-Trial Order," Motions in Limine with complete briefing (opening, answering, and reply) were to be filed with the parties' Pre-Trial Order.

4. Because Inacom did not file the LaRocca Motion in Limine or the Thomas Motion in Limine until August 15, 2005 (the date the parties' Pre-Trial Order was filed) and since Inacom did not file the Solvency Expert Motion in Limine until August 19, 2005, Dell was unable to include its answering briefs to the foregoing motions with the Pre-Trial Order.

5. Under Rule 7.1.2 of the Local Rules for the United States District Court for the District of Delaware, Dell has ten (10) days from service of the foregoing Motions in Limine to file Answering Briefs. Accordingly, under local Rule 7.1.2 and Rule 6 of the Federal Rules of Civil Procedure, Dell's Answering Briefs to the LaRocca Motion in Limine and the Thomas Motion in Limine are due on August 29, 2005. Dell's Answering Brief to the Solvency Expert Motion in Limine due on September 2, 2005. Dell intends to timely file Answering Briefs to the foregoing Motions in Limine.

6. Because the foregoing Motions in Limine were not filed and served to permit Dell time to prepare and file its Answering Briefs with the Pre-Trial Order, Dell respectfully requests that the Court grant it leave to file its Answering Brief to the LaRocca Motion in Limine and the Thomas Motion in Limine, with such Answering Briefs due on or before August 29, 2005. Dell also requests leave to file its Answering Brief to the Solvency Expert Motion in Limine, with such Answering Brief due on or before September 2, 2005.

7. Dell relies upon the foregoing Motion for Leave and waives, pursuant to Local Rule 7.1.2, its right to file an opening brief in support hereof. Dell expressly reserves the right to file a reply brief to respond to any and all arguments which may be asserted by Plaintiff in response hereto.

8. Counsel's certification pursuant to Local Rule 7.1.1 is attached hereto.

Respectfully submitted,

/s/ *Kevin A. Guerke*

By: _____

Patricia P. McGonigle, Esq.
Delaware State Bar No. 3126
Kevin Guerke
Delaware State Bar No. 4096
Seitz, Van Ogtrop & Green, P.A.
222 Delaware Avenue, Suite 1500
Wilmington, Delaware 19899
302.888.0600
302.888.0606 Fax

and

Sabrina L. Streusand, Esq.
Texas State Bar No. 11701700
G. James Landon
Texas State Bar No. 24002445
Hughes & Luce, L.L.P.
111 Congress Ave., Suite 900
Austin, Texas 78701
512.482.6800
512.482.6859 Fax

ATTORNEYS FOR DELL, INC.

Dated: August 23, 2005